

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, et al.

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.

Defendants.

**MOTION TO EXTEND THE TIME TO
RESPOND IN OPPOSITION TO THE
SEU DEFENDANTS' MOTION TO
DISMISS**

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, and hereby respectfully moves for permission to extend the time to respond to the SEU Defendants' Motion to Dismiss. In support of this motion, Plaintiffs show unto the Court the following:

1. Plaintiffs filed the Second Amended Complaint on August 31, 2022, adding the following additional parties to this action: SEU Officers David Mead, Jesus Ortiz, Kyle Perrin, Michael Mollere, Kyle Thompson, Vincent DEbonis, Daniel Twiddy, Thomas Webb, David Mcdonald and David Garner ("SEU Defendants").

2. On September 6, 2022, the SEU Defendants waived service of the summons and complaint.

3. On October 18, 2022 the SEU Defendants filed a motion to dismiss the Second Amended Complaint.

4. Plaintiffs require additional time to respond to the SEU Officer Defendants' motion and respectfully request a fourteen (14) day extension to the current deadline, which would allow Plaintiffs up to and including November 22, 2022, to respond.

5. Plaintiffs' counsel is currently preparing for and in the midst of conducting approximately ten depositions in this matter, which are scheduled for dates in November and December.

6. This Motion is being filed in good faith and not for the purpose of delaying this action.

7. This matter has not been set for trial. As such, granting this motion will not interfere with a scheduled trial date.

8. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendants regarding Defendants' position on this motion. Defendants consent.

9. Plaintiffs respectfully submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs move the Court for an order extending the date to respond to the SEU Defendants' motion to dismiss to November 22, 2022, as set forth in the proposed order submitted with this motion.

This the 29th day of October 2022.

Respectfully,



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Served on all parties: Via ECF